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Craig Burfeind

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DIGITAL CYCLONE, INC.  
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ATTN: LEGAL - IP  
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EXAMINER

TAYLOR, VICTOR J

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/004,623	<b>Applicant(s)</b> BURFEIND ET AL.	
	<b>Examiner</b> VICTOR J. TAYLOR	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/06/2003</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. A petition request for continued examination under 37 CFR 1.137 (b), including the fee was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's petition filed on 3/28/2007 and has been granted and has been entered on 7/25/2007.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's RCE submission filed on 3/28/2007 has been entered.

### ***Terminal Disclaimer***

3. The terminal disclaimer filed on 2/04/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,360,172 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claims***

4. Claims 18-50 are pending. Claims 1-17 and 51-69 have been cancelled.

Therefore, claims 18-50 are presented for examination.

### ***Drawings***

5. The drawings were received on 2/22/2006. These drawings are approved.

### ***Specification***

6. The disclosure is objected to because of the following informalities:

I. The first page of the specification and in the first paragraph in line 2 is missing the US Patent number 6,360,172 and references to the terminal disclaimer.

II. The copyright notice as found in the specification on page 1 and in lines 15-20 of the specification on page one is incomplete and improper. It is not clear in the specifications and/or in the drawings as to just which material is copyright. As required under 37 CFR 1.71 (d), the content of the notice must be limited to only those elements provided for by law. See MPEP in section 600 and under CFR 1.171 in parts (a) to (f).

III. The earliest date of publication of the copyright material incorporated in the specification is required under MPEP 901.06 (d) for prior art publication dates.

While the prior art setting may be mentioned in general terms, the essential novelty, the essence of the invention, must be described in such details, including proportions and techniques, where necessary, as to enable those persons skilled in the art to make and utilize the invention. Specific operative embodiments or examples of the invention must be set forth. Examples and description should be of sufficient scope as to justify the scope of the claims. See MPEP 702.01.

Appropriate correction is required.

***Information Disclosure Statement***

7. The information disclosure statement (IDS) was submitted on 5/06/2003. This submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

***Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant;

I. Grube et al., US 6,031,455 A in class 340/539 is cited for the use of the computer PSTN network (16) for monitoring environmental conditions in figure 1 using wireless communications in lines 30-60 of column 2 in combination with the complete document.

II. Tognazzini US 5,914,675 A in class 340/989 is cited for the use of the computer network (24b) for monitoring emergency locator conditions in figure 1 using wireless communications and computers in lines 1-60 of column 5 in combination with the complete document.

***Claim Rejections - 35 USC § 101***

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims groups 24-23, 35-40, 44-47 and 48-50 are rejected under 35 U. S. C. 101 because the claimed invention is directed to non-statutory subject matter.

I. Independent claim 24 is directed towards a computer readable medium using abstract computer computation instructions causing a computer to perform a method with steps for receiving data and receiving data criteria with steps for selecting and transmitting that are directed to an abstract computer process effect by process program instruction which are internal to the computer computations of the CPU and which provide no clear, concrete, tangible result or output and provide for a practical application, or provide for computer program instruction stored on the computer medium and which fails to satisfy the utility requirement of 101 for a specific, and substantial, and credible utility.

The claims do not produce any clear concrete tangible results and are an abstract idea that fails to provide for the computation software stored on the computer medium and fails to provide and output to the user.

The practical application of the claimed invention cannot be realized until the information determined is conveyed to the user. For the result to be tangible it would need to output to a user or display to a user or plotted to a user or be stored on a medium for later use.

Hence the claims are treated as non-statutory functional descriptive material (See MPEP Sec. 2106).

Claims 25-29 are dependent on the rejected independent claim 24 and are rejected for at least for the reasons cited above.

II. Independent claim 35 is directed towards "A computer data signal encoded in a carrier wave" that is nonstatutory and which describes several forms of signal

multiplexing used in the communications arts commonly known as Frequency and Time Divisional Multiple Access, and as FDMA, and as TDMA and are electronic processes used in encoders and decoders. Each of these methods of multiplexing computer signals and analog signals onto the RF carrier frequency are well known in the communication arts. The computer data signal encoded in a carrier wave is abstract and nonstatutory. And wherein the steps for receiving data and selecting data are internal to the computer computations of the CPU with no clear concrete, tangible result, or output, or provide for a practical application, and fail to satisfy the utility requirement of 101 for a specific, and substantial, and credible utility.

The claims do not produce any clear concrete tangible results and are an abstract idea with based on steps which fail to show or produce the clear concrete tangible results.

The practical application of the claimed invention cannot be realized until the information determined is conveyed to the user. For the result to be tangible it would need to output to a user or display to a user or plotted to a user or be stored for later use. Hence the claims are treated as non-statutory functional descriptive material (See MPEP Sec. 2106).

Claims 36-40 are dependent on the rejected independent claim 35 and are rejected for at least for the reasons cited above.

III. Independent claim 44 is directed towards a data structure having stored thereon a person data that is abstract and nonstatutory and cites various data with clear steps or data storage step or data retrieval steps when combined with abstract steps for

containing, that fail to show the computer readable media and computation steps and processes steps, and which comprise an abstract structure with abstract ideas per se, and provides no clear concrete tangible result, or output, or provide for a practical application, and fails to satisfy the utility requirement of 101 for a specific, and substantial, and credible utility.

The claims form an abstract idea and do not produce any clear concrete tangible results and thus fail to meet the utility requirement for a specific, and substantial, and credible utility.

The practical application of the claimed invention cannot be realized until the information determined is conveyed to the user. For the result to be tangible it would need to output to a user or display to a user or plotted to a user or be stored on a medium for later use. Hence the claims are treated as non-statutory functional descriptive material (See MPEP Sec. 2106).

Claims 45-46 are dependent on the rejected independent claim 44 and are rejected for at least for the reasons cited above.

IV. Independent claim 48 is directed towards a data structure having stored data that is nonstatutory and wherein the data structure could comprise any “data contained” wherein the “data” contained is an abstract idea which fails to meet the statutory category and conditions of 101 and produce a useful, concrete, and tangible result and provide as a whole the utility requirement for a specific, substantial, and credible utility. The claims do not produce any clear concrete tangible results and are an abstract idea



with no output or clear steps and define a desired preference data and in/which fail to show the clear concrete tangible result.

The practical application of the claimed invention cannot be realized until the information determined is conveyed to the user. For the result to be tangible it would need to output to a user or display to a user or plotted to a user or be stored on a medium for later use. Hence the claims are treated as non-statutory functional descriptive material (See MPEP Sec. 2106).

Claims 49-50 are dependent on the rejected independent claim 48 and are rejected for at least for the reasons cited above.

See MPEP 2106 and United States Patent and Trademark Office Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility OG Notices: 22 November 2005 and the 101 issues as found in the inter-net location, <http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 18-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Zereski in US Patent 5,654,886 A.

With regard to claim 18, Zereski, discloses a multimedia outdoor information system including an asset assembler (80) in figure 3, and a computer database (44) with a user device for distribution of (natural-phenomenological) meteorological data to the users on call in figure 1 and discloses the natural data source 10 in figure 1.

Zereski Jr. et al., further discloses the limitation of “receiving the (natural phenomena) meteorological data from a source 14 in figure 1.

He further discloses receiving the predetermined criteria for selecting the natural phenomena data” using the requester (60) in line 36 of column 6 wherein “the predetermined criteria comprises information that describes the personal preferences of a subscriber (24)” and requested (22) by the user of “the personal preference data” of a subscriber (24) using the presentation generator (20) in figure 1. Zereski further discloses the limitation of receiving predetermined criteria for selecting meteorological data that describes the preference request data received from a user and a user device for selected out door meteorological information in line 41-44 of column 2.

Zereski further discloses the limitation of “selecting a portion of the (natural phenomena) meteorological data based on the predetermined criteria” wherein the presentation generator (20) in figure 1 selects data (16) on demand from the user (24) and converts the outdoor information and selects portions of the meteorological and out door information data and displays portion in response to the requester of the user device in lines 30-44 column 2.

Zereski Jr. et al., further discloses the limitation of “transmitting the portion to at least one destination device” using the interactive TV (26) connection to the

presentation generator (20) in figure 2 with the electronic transmission of weather data in line 26 of column 2.

As to claim 19 Zereski Jr. et al., further discloses the limitation of receiving “(natural phenomena) meteorological data” “before receiving the predetermined criteria for selecting (natural phenomena) meteorological data wherein the presentation generator (20) in figure 1 is receiving data from a plurality of sources in line 31 and discloses compiling the data in line 32 of column 2 wherein the step for selecting the outdoor data information is in response to the request in lines 42-47 of column 2.

As to claim 20 Zereski Jr. et al., further discloses the limitation of receiving the predetermined request criteria identifying at least one device 22 and encoding at the template portion compliant to the transmission medium and transmitted from the data base in lines 44-50 of column 2.

As to claim 21 Zereski Jr. et al., further discloses the limitation of predetermined criteria describes,

at least one activity and the activity includes sensitivity to natural phenomena as NWS data (10) and,

a schedule of at least one activity of ski reports in line 48 of column 2,

and discloses at least one geographical location and region in line 2 of column 2.

As to claim 22 Zereski Jr. et al., further discloses the limitation of multimedia text data 70 in figure 3.

As to claim 23 Zereski Jr. et al., further discloses the limitation of a selection of one or more devices to include all elements of figure 1 and figure 2 to include the Internet 22 and on line services (24) and interactive TV 26 in figure 1.

With regard to claim 24, the arguments applied to claims 18-23 are applied to claim 24 for their common features. Zereski Jr. et al., further discloses the limitations of a computer executable medium in the presentation medium (20) in figure 1

Wherein the step for (natural phenomena) data receiving (60) by the image requester executes instruction to the server computer on the internet (22) in figure 1 and,

discloses receiving “predetermined criteria” multimedia capabilities in line 46-66 of column 4.

The claim limitations of claim 24 are the same as the claim limitations of claim 18 and the arguments applied to claim 18 are applied to claim 24 for their common features.

The computer system with multimedia capabilities is found in line 56 of column 4.

As to claim 25 Zereski Jr. et al., further discloses the limitation of receiving (natural phenomena) meteorological data before receiving the predetermined criteria for selecting meteorological data in the presentation generator (20) in figure 1 wherein the receiving data from a plurality of sources in line 31 and compiling the data in line 32 with the steps for selecting the outdoor data information in response to the “criteria” request in lines 42-47 of column 2.

As to claim 26 Zereski Jr. et al., further discloses the limitation of "transmitting of receiving the predetermined request criteria identifying at least one device" (22) and "encoding at the template portion compliant to the transmission medium and transmitted from the data base" in lines 44-50 of column 2.

As to claim 27 Zereski Jr. et al., further discloses the limitation of a plurality of activities and predetermined criteria and,

"describes at least one activity and the activity includes sensitivity to natural phenomena as NWS data (10) in figure 1 and,

"a schedule of at least one activity of ski reports" in line 48 of column 2 and,

"Discloses at least one geographical location and region" in line 2 of column 2.

As to claim 28 Zereski Jr. et al., further discloses the limitation of "multimedia data selections" from NWS data 10, and Images Data 12, and Meteorologist forecast 14, and Ski Reports 16, in figure 1.

As to claim 29 Zereski Jr. et al., further discloses the limitation of computer implemented asset database 44 and computer 52 connected to internet with the world wide4 web server in figure 2 using the computer implemented medium of figure 3 with a selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

With regard to claim 30, Zereski Jr. et al., The arguments applied to the common limitations found in claim 1 and claim 24 are applied to the same common limitations found in claim 30 for their common features.

Zereski Jr. et al., further discloses the limitation communicatively connection to the receiver of (natural phenomena) meteorological data image data base 62 and the image requester 60 in figure 3 in combination with the data base manager 84 and the user input add or delete in line 19 of column 6.

As to claim 31 Zereski Jr. et al., further discloses the limitation of transmitting of receiving the predetermined request criteria identifying at least one device 22 and encoding at the template portion compliant to the transmission medium and transmitted from the data base in lines 44-50 of column 2. Zereski Jr. et al., further disclose transmitting 50 the encoded portion to the destination device 52 and to the server and to the Internet in figure 2.

As to claim 32 Zereski Jr. et al., further discloses the limitation of a plurality of activities and predetermined criteria and describes at least one activity and the activity includes sensitivity to natural phenomena as NWS data 10 and a schedule of at least one activity of ski reports in line 48 of column 2 and discloses at least one geographical location and region in line 2 column 2.

As to claim 33 Zereski Jr. et al., further discloses the limitation of multimedia data selections from NWS data 10, and Images Data 12, and Meteorologist forecast 14, and Ski Reports 16, in figure 1 and discloses the text database 70 and the text requester 68 in figure 3.

As to claim 34 Zereski Jr. et al., further discloses the limitation of computer implemented asset database 44 and computer 52 connected to internet with the world wide4 web server in figure 2 using the computer implemented medium of figure 3 with a

selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

With regard to claim 35, The arguments applied to the claim limitations of claim 18, and claim 24 and claim 30 are applied to claim 35 for their common features.

Claim 35 cites a computer data signal embodied in a carrier wave, Zereski Jr. et al., further discloses the presentation data base (102) with access to the internet and world wide web which include all the telecommunication connections using multiplexing systems, radio systems and satellite communications to transmit and receive computer data signals embodied in a carrier wave including the meteorological data, and running the GTTP daemon which accesses the presentation database in response to user request for selection of the database including the NWS meteorological data 10 in figure 1 and in lines 45 to 54 of column 7.

As to claim 36 Zereski Jr. et al., further discloses the limitation of receiving meteorological data before receiving the predetermined criteria for selecting meteorological data in the presentation generator 20 in figure 1 by receiving data from a plurality of sources line 31 and compiling the data in line 32 and by selecting the outdoor data information in response to the request in lines 42-47 of column 2.

As to claim 37 Zereski Jr. et al., further discloses the limitation of encoding in a manner in the asset assembler 42 that is compliant to a destination device medium the server 52 in figure 2.

As to claim 38 Zereski Jr. et al., further discloses the limitation of a selection of devices the Internet 22 and on line services 24 and interactive TV 26 in figure 1.

As to claim 39 Zereski Jr. et al., further discloses the limitation of a plurality of activities and predetermined criteria and describes at least one activity and the activity includes sensitivity to natural phenomena as NWS data 10 and a schedule of at least one activity of ski reports in line 48 of column 2 and discloses at least one geographical location and region in line 2 column 2.

As to claim 40 Zereski Jr. et al., further discloses the limitation of multimedia data selections from NWS data 10, and Images Data 12, and Meteorologist forecast 14, and Ski Reports 16, in figure 1.

With regard to claim 41, Zereski Jr. et al., discloses the limitations of a computer medium asset database 44 with a first field having a plurality of meteorologists in different regions subscribers in line 2 of column 2 and a second field comprising data representing the natural-phenomenological 14 or metrological 14 and NWS data 10 and Ski Reports 16 in figure 1 associated with the user and identified by the first field as a plurality of meteorologists in line 2 of column 2, in combination with lines 1-50 of column 2 and as the image requester in line 55 of column 5.

As to claim 42 Zereski Jr. et al., further discloses the limitation of a pointer to a subscriber object in the data base manger 84 in line 17 of column 6 with the asset assembler 80 extracts instructions and adds or removes data from the radar satellite images or NWS data in lines 10-35 of column 6 and discloses the pointer in line 65 of column 7.

As to claim 43 Zereski Jr. et al., further discloses the limitation of a data base pointer in the data base manager 84 and selects data from the (natural phenomena)



metrological radar satellite images in lines 17 of column 6 see also lines 1-65 of column 6 for the text summary in line 55.

With regard to claim 44, Zereski Jr. et al., discloses a data structure having storage capabilities in the presentation generator 20 of figure 1.

Zereski Jr. et al., further discloses the limitation of a person type field (24), (The on line services) containing data representing a particular person, the user with the identifier code 24 in figure 1 and in lines 10-14 of column 2.

Zereski Jr. et al., further discloses the limitation of a (natural phenomena) preference data structure 14, (The meteorologist's forecast) in figure 1 with steps for containing data representing at least one meteorological preference selected by the client using the on line services 24 in figure 1 and discloses a plurality of selections by the user in line 12 of column 2.

Zereski Jr. et al., further discloses the limitation of a calendar data structure 136 with dates places and time in figure 7 and discloses the selection 124 of a plurality of database in line 62-65 of column 7.

As to claim 45 Zereski Jr. et al., further discloses the limitation of a (natural phenomena) preference field in (The NWS data) 10, and containing data representing the identifier of a particular natural-phenomenological in (the weather) preference displayed 130 in figure 6.

Zereski Jr. et al., further discloses the limitation of at least one (natural phenomena) meteorological data structure 14 containing data representing at least one

meteorological preference for the person identified in the on-line services 24 by the person selecting in line 19 of column 6.

Zereski Jr. et al., further discloses the limitation of a forecast data structure 130 in figure 6 and discloses a gridded data structure 140 in figure 8 and discloses the template database and bit map in the asset assembler 80 in lines 60-67 of column 6.

As to claim 46 Zereski Jr. et al., further discloses the limitation of a calendar data structure in the asset assembler 80 in figure 3 and displays day, month and year dates with the time in 164 of figure 10.

As to claim 47 Zereski Jr. et al., further discloses the limitation of a day field representative a particular day as of Friday, March 10, 1995, at 6:58AM 164 in figure 10 and with a metrological preference data structure displayed for the weather and Ski Report in figure 10.

With regard to claim 48, Zereski Jr. et al., discloses the data structure asset database 44 in figure 2, and discloses the preference field containing data in the data requester 40 in figure 2, and,

Discloses a sensitivity data representative of a sensitivity of the preference selected and identified by the user in the asset assembler 42 in figure 2,

He further discloses the geographic location data structure in the presentation render 46 in figure 3, representative of the geographic location 130 in figure 6 selected by the user 52 in figure 2.

As to claim 49 Zereski Jr. et al., further discloses the limitation preference type database 44 identifies a meteorological data structure in the asset assembler 44 of figure 2 and displays 140 in figure 8.

As to claim 50 Zereski Jr. et al., further discloses the limitation of,

“A geographic location type field (160) is containing data representative of an identifier of a particular geographic location (162)” in the listings of the ski report for the various states in figure in combination with the user selection in lines 64-67 in column 8.

Zereski Jr. et al., further discloses the limitation of a wide variety of NWS data in line 34 of column 4 including the longitude field data in the NWS data 10 of figure 1.

Zereski Jr. et al., further discloses the limitation of a wide variety of NWS data in line 34 of column 4 including the latitude field data in the NWS data 10 of figure 1.

Zereski Jr. et al., further discloses the limitation of a name field in the row and column map under city136 in figure 7, and discloses the radius fields in the plurality of radius drawings 130 in the bit map of figure 6 and in line 65 of column 6.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 18-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zereski Jr. et al., as being clearly anticipated in US 5,645,886 as applied to claims 18-50 above, and further in view of McGraw et al., in US patent 5,628,050.

For representative claim 18, Zereski, teaches a multimedia outdoor information system including an asset assembler (80) in figure 3, and a computer database (44) with a user device for distribution of (natural-phenomenological) meteorological data to the users on call in figure 1 and discloses the natural data source 10 in figure 1.

Zereski Jr. et al., further teaches the limitation of “receiving the (natural phenomena) meteorological data from a source 14 in figure 1.

He further teaches receiving the predetermined criteria for selecting the natural phenomena data” using the requester (60) in line 36 of column 6 wherein “the predetermined criteria comprises information that describes the personal preferences of a subscriber (24)” and requested (22) by the user of “the personal preference data” of a subscriber (24) using the presentation generator (20) in figure 1. Zereski further discloses the limitation of receiving predetermined criteria for selecting meteorological data that describes the preference request data received from a user and a user device for selected out door meteorological information in line 41-44 of column 2.

Zereski further teaches the limitation of “selecting a portion of the (natural phenomena) meteorological data based on the predetermined criteria” wherein the presentation generator (20) in figure 1 selects data (16) on demand from the user (24) and converts the outdoor information and selects portions of the meteorological and out door information data and displays portion in response to the requester of the user device in lines 30-44 column 2.

Zereski Jr. et al., further teaches the limitation of “transmitting the portion to at least one destination device” using the interactive TV (26) connection to the

presentation generator (20) in figure 2 with the electronic transmission of weather data in line 26 of column 2.

Zereski Jr. et al., further teaches the use of a computer or similar input/output device (52) in figure 1 and teaches data made available on the internet and on line services and by transmissions with conversions into a graphic format in lines 50-65 of column 3 with multimedia presentations or any other information transmission network in line 40 of column 3. He does not specifically teach a PHD.

McGraw et al., teaches a communications system for displaying and receiving the natural phenomena data (20) in figure 1 using the PHD (80) in figure 1 and figure 7.

It would have been obvious at the time of the invention to include the PHD of McGraw into the display devices of Zereski to reduce size and cost.

As to Claims 19-50, which are rejected and stand rejected as reflected above for the rejected features found under the 102 9b0 issues as taught and disclosed by Zereski.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR J. TAYLOR whose telephone number is (571)272-2281. The examiner can normally be reached on 8:00 to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2863. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VJT/  
Victor J. Taylor  
Examiner  
Art Unit 2863  
2/25/2008

/John E Barlow Jr./  
Supervisory Patent Examiner,  
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